

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NEWFREY, LLC, et al.,

Plaintiffs,

-vs-

Case No. 07-13029
Hon: AVERN COHN

BURNEX CORPORATION,

Defendant.

SCHEDULING ORDER

1. This is a patent case. The Scheduling Order entered February 6, 2008, describes the patents-in-suit, the asserted claim of each patent, the subject matter of the patents and the accused devices.

2. Plaintiffs lodged with the Court on February 13, 2008, a booklet containing a copy of each of the patents with the specifications highlighted as to significant language, accompanied by a copy of each asserted claim with the elements appropriately parsed and the critical elements highlighted.

3. On April 15, 2008, the Court held a scheduling conference to set the course of the case through the Markman phase.

4. The parties shall promptly schedule through the Case Manager a tutorial for the Court.

5. Defendant shall identify the ambiguous terms in each claim by Thursday, May 1, 2008.

6. Plaintiffs shall file their Markman brief within thirty (30) days following the tutorial.

7. Defendant shall file its responsive Markman brief within thirty (30) days following plaintiffs' filing.

8. Plaintiffs may file a reply brief within fifteen (15) days thereafter.

9. The Court will hold a Markman hearing within sixty (60) days thereafter.

10. The parties as part of their filings shall include a chart of their respective positions on ambiguous terms in non-argumentative form, *i.e.*, in language which the Court will put to a jury. A copy of such a chart is attached as Exhibit A. See also Exhibit B.

11. Each of the ambiguous terms shall be separately discussed and interpreted in the numbered order they are displayed in the claim chart. The discussion in the briefs of each such term shall conclude with the precise text of the recommended interpretation.

12. Any objections to this order shall be filed with the Court within two (2) business days.

SO ORDERED.

Dated: April 17, 2008

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, April 17, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160